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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION

X Case No.: 21 MC 102 (AKH)

ANGEL HUALPA (AND WIFE, ROSA HUALPA),

Plaintiff(s),

-against-

100 CHURCH, LLC, et al.,

Defendant(s).

Docket No.: 05-CV-02501-AKH

STIPULATION OF  
DISCONTINUANCE AS TO  
DEFENDANT, CDL NEW YORK  
LLC MILLENIUM HILTON,  
ONLY.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservator and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so stipulate that each claim, cross-claim and counter-claim asserted by and against defendant *CDL (NEW YORK) LLC v/s/h/a CDL NEW YORK LLC MILLENIUM HILTON*, only as to the claims being made as to the premises located at 55 Church Street, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the course of the litigation which determines that the *MILLENIUM HILTON* is a proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

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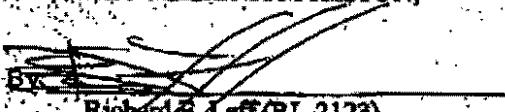
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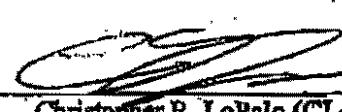
This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
February 14, 2013

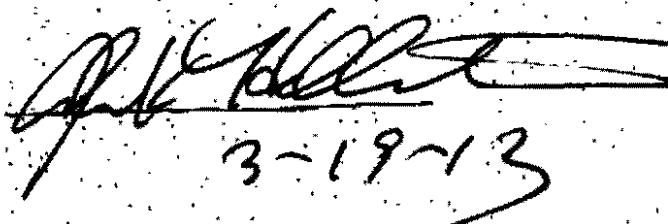
McGIVNEY & KLUGER, P.C.  
Attorneys for Defendant  
CDL (NEW YORK) LLC /s/a CDL NEW  
YORK, LLC MILLENNIUM HILTON,

WORBY GRONER EDELMAN & NAPOLI  
BURN, LLP  
Attorneys for Plaintiffs

By:   
Richard S. Laff (RL-2123)  
80 Broad Street, 23rd Floor  
New York, New York 10004  
(212) 509-3456  
(Our File: 1537G-0001)

By:   
Christopher R. LoPalo (CL-6466)  
115 Broadway, 12<sup>th</sup> Floor  
New York, New York 10006  
(212) 267-3700

So Ordered:

  
3-19-13